



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
8 APRIL 2019**

Application Number	FUL/MAL/19/00120
Location	Land Rear of St Vincent 2A King Edward Avenue Burnham-on-Crouch
Proposal	Erection of 2-bedroom bungalow with a detached garage and a new access
Applicant	Ms Emma Regan
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	EOT: 12.04.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor R Pratt. Reason: Public Interest

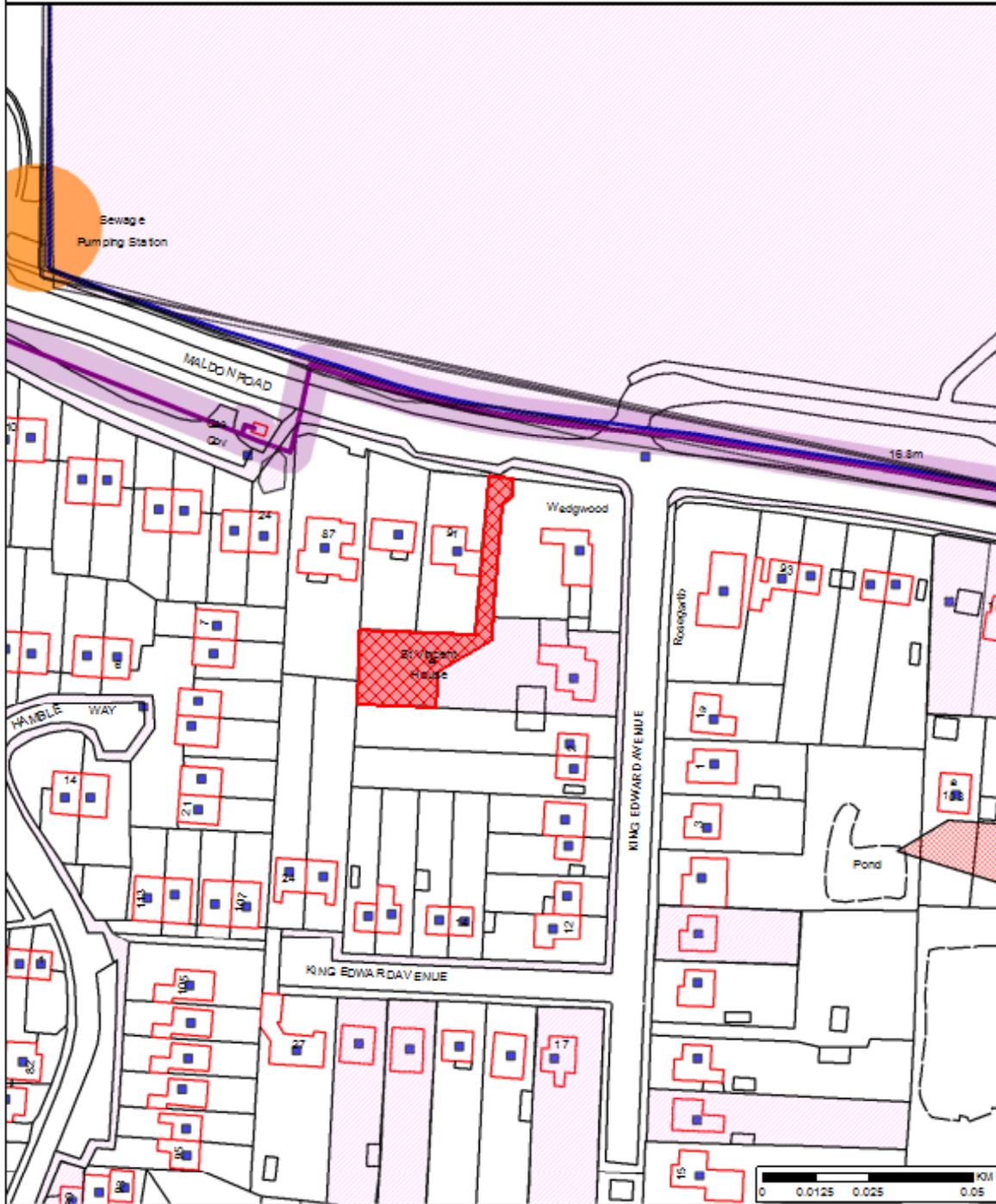
1. **RECOMMENDATION**

REFUSE for the reasons as set out in section 8.

2. **SITE MAP**

Please see overleaf.

Land Rear of St Vincent 2A King Edward Avenue
19/00120/FUL



 <p>MALDON DISTRICT COUNCIL</p> <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	19/03/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Application Site

- 3.1.1 The application site is a parcel of land measuring 0.6ha in area. It is located to the south of Maldon Road and to the west of King Edward Avenue, within the settlement boundaries of Burnham-on-Crouch. The main area of the site is situated 38.7m from Maldon Road and measures a maximum of 34m in width and 17.9m in depth. It is located to the rear of 'St Vincent' King Edward Avenue and forms part of the rear garden of that property which is located to the east. However, it was noted when conducting a site visit that the plot has been divided by fencing so that there is no direct access into the site from 'St Vincent'.
- 3.1.2 To the north of the application site is a gated access from Maldon Road which runs parallel to the side boundaries of No.81 Maldon Road and Wedgewood Maldon Road. Whilst the applicant considers this to be an independent vehicular access there is no dropped kerb access from the roadway and the access would require crossing over a layby. Therefore, it is not considered that a formal vehicle access currently exists at the site.
- 3.1.3 As existing the site comprises a towing caravan, a couple of outbuildings and other garden paraphernalia such as children's toys and a Wendy House. The boundaries of the site feature a close boarded fencing of various heights and some low-level hedges.
- 3.1.4 The surrounding area has a fairly dense urban grain made up of various cul de sac developments. The immediate area surrounding the application site consists of dwellings which front the public highway and have their gardens situated to the rear which form a 'square' in the centre of the dwellings.

3.2 Proposal

- 3.2.1 Planning permission is sought to erect a two-bedroom detached bungalow with a detached garage and new access.
- 3.2.2 The proposed bungalow would measure a width of 12.3m and a depth of 8.5m. It would have a hipped roof with an eaves height of 2.6, and a ridge height of 3.3m. The dwelling would be located 1.2m from the northern boundary, 7.5m from the western and 4.5m from the southern.
- 3.2.3 To the southeast of the application site and proposed dwelling, would be a detached garage, set 1.2m to the east of the proposed house. The garage would have a width of 4.8m and a depth of 7m, with an eaves height of 2.4m and a ridge height of 4.6m. There would be an off centered garage door on the northern elevation and an entrance door on the western elevation. The bungalow would provide two en-suite bedrooms, a dressing room in the master bedroom, a sitting room, a dining/kitchen area and an entrance hall.
- 3.2.4 The proposed access would be from Maldon Road to the north and would require a new vehicular crossover. The first 12m of the access will be 6.2m wide, with a refuse store located to the east of the hardstanding at a distance of 4.1m from the highway. At this point, 12m from the highway, the block plan shows proposed gates and the

reduction in the width of the access to 4.6m. From this point the access continues for a distance of 28m until changing direction towards the west where the site opens up.

- 3.2.5 In terms of materials, it is proposed that the development will be constructed from facing brickwork and white render, clay plain tiles, white UPVc windows and a painted hardwood entrance door. The proposed access will consist of bonded chippings.

3.3 Conclusion

- 3.3.1 The development as a result of its design, siting and layout would represent a cramped and an unacceptable form of backland development which would materially harm the existing character and appearance of the site and the prevailing pattern of development within the surrounding area. Furthermore, the development would fail to provide safe and sufficient vehicle parking and access to the site. The proposal is therefore contrary to policies S1, D1, H4 and T2 of the approved Local Development Plan (LDP), policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and guidance contained within the National Planning Policy Framework (NPPF) and the Maldon District Design Guide (MDDG).

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National planning policy framework (NPPF) 2019, including paragraphs:

- **11** **Presumption in favour of sustainable development**
- **38** **Decision-making**
- **47-50** **Determining applications**
- **117-118** **Effective use of land**
- **124-132** **Achieving well-designed places**

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable development
- S2 Strategic Growth
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement boundaries and the countryside
- H4 Effective Use of Land
- D1 Design quality and built environment
- D2 Climate Change and Environmental Impact of New Development
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance/ Documents

- Burnham-on-Crouch Neighbourhood Development Plan (2017)
 - HO.1 New Residential Development
 - HO.8 Housing Design Principles
- Maldon District Design Guide (2017) (MDDG)
- Maldon District Vehicle Parking Standards SPD (2018)
- Planning Practice Guidance

5 MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposed dwelling would be located within the settlement boundaries for Burnham-on-Crouch and so would comply with the requirements of policy S1 of the LDP which seeks to direct new residential development to within established settlements thereby preserving the appearance and character of the countryside. Burnham-on-Crouch is recognised as being a “Main Settlement” which has a range of service facilities as well as good public transport links and opportunities for employment. The location would therefore be regarded as sustainable and there would be a net gain of one dwelling.
- 5.1.2 Policy S2 and S6 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited and therefore development above the identified limit of 450 dwellings will not be supported. However, in this instance, it is considered that one additional dwelling would not impose an additional burden of existing infrastructure to an extent that would justify the refusal of the application.
- 5.1.3 Policy H4 of the LDP relates to backland and infill development. It states that:
‘Backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. Backland and infill development will be permitted if all the following criteria are met:
- 1) *There is a significant under-use of land and development would make more effective use of it;*
 - 2) *There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;*
 - 3) *There will be no unacceptable loss of land which is of local social, economic or historic environmental significance; and*
 - 4) *The proposal will not involve the loss of any important landscape, heritage features or ecological interests.*
- 5.1.4 Likewise, paragraph 122 of the NPPF (2018) states that *‘decisions should support development that makes efficient use of land, taking into account ... d) the desirability of maintaining an areas prevailing character and setting (including residential gardens), or of promoting regeneration and change...’*
- 5.1.5 The supporting information states that the applicant considers there to be an underuse of land at the site, as the proposed dwelling would be provided with ample amenity space and leaving the host dwelling with *‘its own spacious setting.’* The Design and Access Statement refers to two dwellings but considers that in residential development terms, in this context of its setting, the application considers this to be an underused site which does not make the best use of urban land.
- 5.1.6 It is however, not considered that just because a garden size is in excess of the standard requirements, which are not maximums, that there is an under use of land. Therefore, whilst it is not considered that land is of any local social, economic or historical significance and nor will it result in the loss of any important landscape, heritage features or ecological interests due to it being a maintained residential garden, it is not considered that the size of a garden alone results in it being

considered an area of under use land. Particularly as the residential garden contributes to the wider urban grain and character of the area.

- 5.1.7 Having regard to the above, given that the application site is not significantly under-used, it is considered that backland and infill development within this locality would be contrary to policy H4 of the LDP.

5.2 Housing Need

- 5.2.1 The Council has undertaken a full assessment of the Five-Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.3 Policy H2 of LDP contains a policy and preamble (paragraph 5.2.2) which read alongside the evidence base from the SHMA shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, with around 71% of all owner-occupied properties having three or more bedrooms.
- 5.2.4 The Council is therefore encouraged in policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. In this respect, the proposal would meet this policy requirement. However, given the provision of only one dwelling, the proposal provides a negligible benefit in terms of improving the Councils housing stock.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development. This is supported by policies D1 and H4 of the Maldon District Local Development Plan (MDLDP) and the MDDG.
- 5.3.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.3.4 Policy H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.3.5 The above policy should also be read in conjunction with Policy H4 of the LDP in relation to Backland and Infill Development. The policy states that backland and infill development will be permitted if the relevant criteria are met.
- 5.3.6 The application site is located to the rear of St Vincent's King Edward Avenue and to the rear of Nos. 89 and 91 Maldon Road, Nos. 87 Maldon Road and Nos. 22 and 24 King Edward Avenue also back onto the site. The site itself forms part of the rear garden of St Vincent King Edward Avenue.
- 5.3.7 As outlined above, the surrounding area has a fairly dense urban grain made up of various cul de sac developments. The immediate area surrounding the application site consists of dwellings which front the public highway and have their gardens situated to the rear which form a 'square' in the centre of the dwellings.
- 5.3.8 The proposal subject of this application is a form of backland development which does not follow these principles and is considered a poor example of this form of development. By developing part of the rear garden of St Vincent House, the proposal would erode the pattern of development in the area by removing this open area of garden space to the rear of the properties. Furthermore, the site has no distinct frontage or outlook onto the streetscene as a result of being enclosed by the rear boundary fences of neighbouring properties on all sides. Therefore, rather than the proposal appearing as part of the streetscene, it appears as a contrived backland development and despite the size of the plot the proposal would appear cramped and shoehorned into the site, contrary to the existing grain of development.
- 5.3.9 The surrounding area is made up of a varying range of dwelling types and styles, including hipped roof bungalows and so the provision of this house type in this locality is not objected to. However, as outlined above, the siting of the proposal, which would alter the prevailing pattern of development in the area and would result in an unacceptable form of backland development, results in material harm to the character and appearance of the area by altering the grain of development.
- 5.3.10 The provision of a detached garage in this locality is also not objected to. However, its close proximity to the proposed bungalow (1.2m) and its siting directly adjacent to the eastern boundary further intensifies the cramped nature of the development.
- 5.3.11 Whilst regard is had to the examples given by the applicant of other developments in the area it is not considered that they can be read in the same context as this proposal. For instance, application FUL/MAL/17/01096 Land Adjacent 101 Maldon Road is not considered to impact on the grain of development as it is situated to the western side of the existing dwelling and fronts the public highway. Furthermore, the references made to the officer's report relate to the character and appearance of surrounding development rather than the grain of development.
- 5.3.12 In terms of the three dwellings located to the rear of No.103 Maldon Road given that they were approved under the terms of application MAL/89/82 in 1982 and were therefore considered under a different policy regime, the considerations for

determining those dwellings would not have been the same as those now. Furthermore, given that the example relates to three dwellings which form their own cul de sac and have distinct frontages, rather than one dwelling in a rear garden it is considered that they are materially different to this proposal and therefore do not warrant significant weight in this case.

- 5.3.13 Therefore, whilst the design of the proposed dwelling and garage alone are not considered to result in material harm to the character and appearance of the area, the proposed development due to its siting erodes the prevailing pattern of development within the area and creates an unacceptable form of backland development and is therefore, contrary to policies D1 and H4 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account overlooking, loss of daylight to the main windows of the neighbouring dwelling and domination to the detriment of the neighbouring occupiers. This is supported by the MDDG.
- 5.4.2 The proposed dwelling would be located 28m from the rear of St Vincent House, 4.5m from the boundary shared with No. 2 King Edward Avenue and 17.5m from the rear of the dwellings at Nos 89 and 91 Maldon Road. The site would also back onto the side of the rear amenity space of No, 87 Maldon Road and No. 22 King Edward Avenue.
- 5.4.3 The proposed dwelling due to its limited height and provision of hipped roof which rakes away from neighbouring properties is not considered to have an overbearing impact on the neighbouring occupiers. Furthermore, given that the dwelling is single storey it is not considered that there will be any direct views into the neighbouring properties and therefore, there is not considered that there would be undue harm as a result of loss of privacy.
- 5.4.4 It is noted that permitted development rights would allow the future occupants to construct dormers within the roof space without obtaining formal planning permission. Given that a western facing dormer would overlook the rear of the extensive garden situated at No.87 Maldon Road and would not provide views into the neighbouring dwelling it is not considered necessary or reasonable imposing a condition preventing the construction of a dormer within the western roofscape under permitted development. The same is considered to apply to the southern roofscape in relation to No.2 King Edward Avenue. However, a dormer in the northern and eastern roofscape would create the potential for overlooking into the rear gardens of St Vincent, Nos 89 and 91 Maldon Road. Therefore, if the application were to be approved a condition should be applied restricting permitted development rights for the construction of dormer windows in the northern and eastern roofscapes.
- 5.4.5 The dwelling would be accessed via Maldon Road where there is currently a gated access to the site. However, there is no formal vehicle access or crossover, although the area is used by the applicant for the parking/storing of vehicles. The proposal would require vehicles accessing the property to pass the eastern side of No. 91 Maldon Road at a distance of 2m. There is a window in the eastern elevation of No. 91, which appears to serve a utility room. Given that the access would serve one, two

bedroom bungalows there would not be a large number of vehicle movements along the access and that it would be adjacent to a window which serves non-habitable rooms, at a distance of approximately 2m from the neighbouring dwelling, it is not considered that the access to one dwelling would result in unacceptable disturbance by way of noise or light pollution.

- 5.4.6 An objection has been received in relation to raising the ground levels in order to provide the proposed access as it may result in the flooding of neighbouring driveways. It is considered that this can be dealt with through conditions requiring the proposed ground levels at the site and a suitable surface water drainage scheme.
- 5.4.7 For the reasons discussed above, it is not considered that the proposed development will result in a significant loss of light or privacy and will not have overbearing impacts on neighbouring occupiers, nor will it result in unacceptable noise levels for the future or neighbouring occupiers. Therefore, in this regard the proposal is in accordance with policies S1, D1 and H4 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objective of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.5.3 A two bedroomed dwelling would require a minimum of two parking spaces. The adopted vehicle parking standards state that a single car garage should measure 3mx7m. Therefore, the proposed garage at 4.3mx7m would provide space for one vehicle. There is also an area to the north of the site that could provide parking for at least one vehicle. However, there is only a distance of 5.4m between the parking bay and the garage. If both the garage and bay were in use, then there would not be sufficient space to maneuver out of the garage and exit the site in a forward gear. Whilst it is noted that the occupier could reverse along the proposed access way, this

is not considered convenient due to the length of the access and because they would then be required to reverse out onto a main road. Therefore, the inconvenience of the proposed parking would possibly result in the failure of the garage to be used at the site for parking, resulting in insufficient parking at the site. This would increase the need for on-street parking, which could detrimentally impact on the free flow of traffic and highway safety. Furthermore, the access would also be required to be used by pedestrians. Therefore, it is considered that given the dual use of the access and the need for the occupiers to reverse out of the site the proposed access would result in the provision of an unsafe access to the site. Having regard to this it is not considered that it has been sufficiently demonstrated that the required level of vehicle parking can be accommodated at the site contrary to policies S1 and T2 of the LDP.

- 5.5.4 It is noted that the Local Highways Authority has not objected on these grounds but has provided comments demonstrating that the proposed parking would be inconvenient. However, it should be noted that the Highways Authority's regime stops at the public highway and this would be a private road. For that reason, the Highways Authority does not have jurisdiction over the access arrangements within the private road, but only on access from the private road to the public highway.
- 5.5.5 In relation to the above, the dwelling as stated above would be accessed via a proposed crossover on the southern side of Maldon Road. The proposal would require crossing over a parking layby. The Local Highways Authority has been consulted and have stated that a drop kerb would be required to serve the application site, rather than a radius kerb as shown on plan 04 A. To achieve this, the access would need to be relocated to the east so that the dropped kerb is onto the carriageway (Maldon Road) or make modifications to the lay-by/footway to ensure that the dropped kerb is entirely in the (extended) lay-by but not half way between the two as proposed. Having regard to the comments made by the Local Highways Authority it is not considered that the development as proposed would provide a safe a sufficient access which could potentially result in detrimental impacts to highway safety.
- 5.5.6 It is also noted that if the application were to be approved a condition would be required to restrict permitted development rights for the construction of dormer windows and roof lights in all aspects of the roof, as there would not be sufficient parking at the site to accommodate additional bedrooms which would therefore, exacerbate the harm highlighted above.
- 5.5.7 The existing parking provision at St Vincent House would not be impacted on as part of the proposal.
- 5.5.8 Having regard to the above assessment, it is not considered that the proposal would provide sufficient parking provision at the site and would not provide safe and secure vehicle access which could detrimentally impact on highway safety and disrupt the free-flow of traffic contrary to policies S1 and T2 of the LDP.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for

each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms. This is supported by section C07 of the MDDG (2017).

- 5.6.2 The amenity space for both the existing and proposed dwelling would exceed 100sqm and therefore, there is no objection in regards to amenity space.
- 5.6.3 Detailed landscaping plans have not been submitted as part of the application. A condition will be imposed, should the application be approved, to ensure the details are submitted and approved by the Local Planning Authority (LPA).

5.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast RAMS

- 5.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance that impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.
- 5.7.2 Natural England anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travelers and travelling show people plots.
- 5.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) –Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England would not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site'

measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

- 5.7.6 To accord with Natural England's requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for one dwelling

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No

Summary of Appropriate Assessment

- 5.7.7 As a competent authority, the LPA concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England's interim advice is guidance only, it is not considered that mitigation would, in the form of a financial contribution, be necessary in this case.

Conclusion

- 5.7.8 Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission

5.8 Waste Storage and Collection

- 5.8.1 The clarification for Policy D2 of the Approved MDLDP states that '*New development should seek to minimize the amount of waste produced and to ensure that it is treated and disposed of in an environmentally acceptable way. New Developments should provide adequate facilities for storage, recycling and collection of waste during occupation*'
- 5.8.2 Section C09 of the MDDG states that '*the management of waste needs to be considered early on in the design to avoid inconvenient waste storage for residents, inefficient waste collections of waste produced or unsightly bin storage areas.*'

5.8.3 The proposed block plan shows that a refuse store would be provided forward of the entrance gates to the site, at a distance of 4.1m from the public footpath. The design and access statement states that this would house refuse and recycling receptacles and Council issued recycling boxes and bags can be stored within the bungalow. The refuse store would be located a large distance from the proposed dwelling which may prevent it being used. However, there is sufficient space within the site closer to the dwelling where waste storage could be provided and so there is no objection in that regard.

5.9 Other Matters

5.9.1 There has been no detail provided regarding surface water drainage other than that surface water will be dealt with via a Sustainable Drainage System. Therefore, if the application were approved a condition should be imposed requiring a detailed scheme.

5.9.2 Foul drainage will connect to a mains sewer, which is considered acceptable.

6. ANY RELEVANT SITE HISTORY

Application	Proposal	Decision
HOUSE/MAL/12/00849	Erection of single storey rear extension with pitched roof	Approved
FUL/MAL/01/00472	Alterations to existing carport to raise its roof and shorten its length.	Approved.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Contrived, over development of the site and constitutes unacceptable 'back land' development. Contravenes policy H4.	Please refer to sections 5.1 and 5.3 of the report.
	Development is over and above Burnham-on-Crouch development allocation under policies S2 and S6 of the LDP.	Please refer to section 5.1 of the report
	Concerns regarding the access to the property via Maldon Road and proximity to existing housing.	Please refer to section 5.5

7.2 Statutory Consultees and Other Organisations

Name of Consultee	Comment	Officer Response
Essex County Council Highways (ECC)	<p>It would be hard to turn within the site, but if the occupier reversed out onto Maldon Road it would be very inconvenient but visibility will be good along Maldon Road as a result of the footway/lay-by and verge so a vehicle can wait safely for an opportunity to enter the carriageway.</p> <p>A dropped kerb crossing would be required to serve the application site, not a radius kerb as shown. To achieve this the applicant will be required to either relocate to the access to the east so the dropped kerb is onto the carriageway (Maldon Road) or make modifications to the lay-by/footway to ensure that the dropped kerb is entirely in the (extended) lay-by but not half way between the two which is not acceptable.</p>	Please refer to section 5.5 of the report.
Natural England	Development does not meet the threshold for bespoke advice However, a HRA should be undertaken	Please see section 5.7 of the report
Cadent Gas	There are apparatus in the vicinity of the site which may be affected by the development	The development does not fall within the gas pipe easement.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to a surface water drainage condition.	Please see section 5.9
Waste	No objection. Although it should be noted that in addition to the store to house refuse and recycling receptacles will be provided near the entrance, there should also be sufficient room at the end of the drive where it meets the public highway to present on collection day.	Please refer to section 5.8 of the report.

7.4 Representations received from Interested Parties

7.4.1 Letters were received objecting to the application for the following reasons:

Objection Comment	Officer Response
<p>The entrance to the plot is narrow and it would not be possible to turn in the site if one of the parking spaces is occupied, requiring the occupier and/or visitors to reverse down the driveway onto Maldon Road.</p> <p>There will be an overwhelming impact on neighbouring properties. The properties which back onto the plot will be adversely affected by the shoehorning of the site and its excessive ridge height.</p> <p>If consent is granted then dormer windows could be proposed in the future which would result in a loss of privacy.</p> <p>Proposal represents a precedent for backland development in close proximity to existing residential properties.</p>	<p>Addressed at Section 5.5. of the report</p> <p>Addressed at section 5.4 of the report.</p> <p>Addressed at section 5.4 of the report.</p> <p>Addressed at sections 5.3 and 5.4 of the report.</p> <p>Each application must be assessed on its own merits and not what may be proposed in the future. However, impact on neighbours is addressed at section 5.4.</p>
<p>There are no plans to make the boundaries safe. The existing boundary fence is incomplete and is the responsibility of the applicant. Who's will</p>	<p>Boundary treatments can be agreed via a condition where necessary. However, the condition of existing boundary treatments and who is responsible for them or owns</p>

<p>it be when the site is sold.</p> <p>The road and path adjacent to the exit onto Maldon Road is higher than the land and the neighbouring exit. The driveway will need to be built up, causing flooding in the neighbouring driveway.</p> <p>The access is on a frequently used layby.</p> <p>The construction works will likely result in damage to underground water pipes cutting off the water supply. Construction traffic could cause subsidence as there is an underground stream. The construction works will result in a loss of privacy, and increased noise and dust.</p> <p>The work will pose a security risk as people will be able to access the site and neighbouring properties.</p> <p>Addition of extra drainage and sewage may overload the system</p> <p>The proposal will reduce property values</p> <p>The proposal is not comparable to the sites at 101 Maldon Road and behind 103 Maldon Road as suggested within the design and access statement.</p>	<p>them is not a matter of the planning system. It is a civil matter that should be dealt with between neighbours.</p> <p>Addressed at section 5.4 of the report.</p> <p>There are other drop kerbs along this layby. Therefore, it would not be reasonable to refuse the application on those grounds.</p> <p>A construction management plan can be secured via condition to ensure that the works are carried out in a suitable manor and do not result in unacceptable undue harm, which is above what is considered reasonable to neighbouring occupiers. However, the impact on water pipes is not a planning consideration.</p> <p>It is not clear how this would differ from the current situation at the site. However, this is not something that can be dealt with under planning legislation.</p> <p>The provision of one extra dwelling is not considered to be a burden on the systems. This is not a planning consideration.</p> <p>Noted and addressed at section 5.3 of the report.</p>
<p>In 1998 an application was refused for a similar development. What's changed?</p> <p>Access is not wide enough for emergency vehicles.</p> <p>No.2 King Edward Avenue has not</p>	<p>A history search of the site has been conducted and there is no record of such an application. However, the proposal in relation to being backland development is addressed at section 5.3 of the report.</p> <p>Addressed at section 5.5 of the report.</p> <p>Two site notices were put up near to the</p>

received any correspondence and was unaware that the application had been submitted. There was no notice of intent posted outside no 2A by the planning department.	site, one on Maldon Road and one on King Edward Avenue. Furthermore, all adjacent land owners were notified via a letter. Therefore, the Council has gone above and beyond the minimal consultation requirements.
---	---

8. REASONS FOR REFUSAL

1. The proposed development would result in an unacceptable form of backland development which would detrimentally impact on the existing character and appearance of the site and on the prevailing pattern of development within the area. The development would therefore be unacceptable and contrary to policies S1, D1 and H4 of the Maldon District Local Development Plan (2017), policy HO.8 of the Burnham-on-Crouch Neighbourhood Development plan and guidance contained within the National Planning Policy Framework (2019) and the Maldon District Design Guide (2017).

2. The site is located in a backland location and would be served by a substandard, contrived and dangerous means of access and vehicle parking spaces which would adversely affect the safe and convenient passage of vehicular and pedestrian users of the access. This would discourage future occupiers to use alternative to vehicle modes of transport and it would be indicative of the unsuitability of the site to accommodate the proposed residential development. The proposal would be therefore unacceptable and contrary to the National Planning Policy Framework and policies, S1, D1, T1 and T2 of the Maldon District Local Development Plan (2017), and guidance contained within the Maldon District Design Guide (2017).